

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2833 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

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DUROLAM LTD

Versus

GEB

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Appearance:

MR MC BHATT, Advocate, for Petitioner

MR TUSHAR MEHTA for Respondents.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 12/04/96

ORAL JUDGEMENT

Rule. Mr. Trushar Mehta, learned Advocate, waives service of notice of Rule for the respondents.

2. The say of the petitioner is that it is not in dispute that as per the Rules of the Board, on completion of related work for catering power supply to the consumer, the Board gives 3 months' notice to them to avail power supply. In case, the consumer fails to avail power supply within said three months notice period the Board starts billing on expiry of the said notice of three months. The say of the petitioner is that on account of certain financial problems it was not possible to immediately commence project and as such a representation dated 21-6-1993 was made to the Board to extend time. The Board earlier had taken a stand that three months had expired on 29-7-1993 and the notice was received after expiry of three months and such there was no question of extension and accordingly the impugned bill was issued. However on verification of record it is revealed that the representation was delivered in the office of the Board on 21-7-1993 i.e. within 3 months. It is pointed out by Mr. Mehta, Learned Advocate for the respondents that the General Manager(Commercial) has passed the order extending the time for a period of two months. This order has not been communicated to the petitioner since the billing had started.

Considering the facts of the case and the fact that the order has not been communicated to the petitioner and is not a speaking order, ends of justice would meet if the respondent is directed to pass afresh order after hearing the petitioner. This Special Civil Application is allowed accordingly and the bill dated 30-3-1995 is quashed. The petitioner shall appear before the General Manager(Commercial) on 22-4-1996. The respondents shall pass afresh order after hearing the petitioner.

The amount deposited under the order of this Court, shall be subject to final adjustment at the time of final order is passed by the General Manager (Commercial).

Rule is made absolute to the aforesaid extent.  
No order as to cost.